



volume of documents and a number of witnesses and third-party issues. In order to complete discovery and prepare for trial, the Parties jointly request a modification to the Scheduling Order.

A scheduling order may be modified for good cause and with the judge's consent.<sup>1</sup> In deciding whether to amend the scheduling order, a court considers: (1) the explanation for the party's failure or inability to meet the deadline; (2) the importance of the amendment to the scheduling order; (3) potential prejudice if the court allows the amendment; and (4) the availability of a continuance to remedy such prejudice.<sup>2</sup>

With respect to the first and second factors, the Parties jointly request additional time to complete discovery because of the large volume of documents, witnesses, and third-party issues involved in the case. Additional written discovery needs to be completed and documents need to be collected, reviewed, and exchanged between the Parties in order for the Parties to begin taking depositions and disclosing experts. The Parties are in the process of reviewing a substantial volume of documents to identify relevant, responsive, non-privileged documents that should be produced, and the Parties' document productions will not be completed in time to meet the current expert deadlines and to depose all necessary witnesses. Further, once document production is complete, the parties will need additional time to review the productions and to determine what, if any, additional documents or information may be needed in the discovery period. In addition, the related South Carolina litigation involving the same Parties is set for jury selection on April 12, 2016, and for trial beginning May 1, 2017; as a result, it would be difficult for counsel for the Parties to meet the April deadlines set forth in this Court's current scheduling order (including the discovery cutoff and the deadline for dispositive and non-dispositive

---

<sup>1</sup> See FED. R. CIV. P. 16(b).

<sup>2</sup> *S & W Enters., L.L.C. v. Southwest Bank of Alabama*, 315 F.3d 533, 535 (5th Cir. 2003) (internal quotation marks, brackets, and citations omitted).

motions) while simultaneously preparing for an anticipated three-to-four-week trial in South Carolina.

With respect to the third and fourth factors, the Parties will suffer no prejudice with respect to the prosecution or defense of their respective claims. The Parties agree that extending the discovery deadline, pretrial deadlines, and the trial date in no way impairs the prosecution or defense of any claims. As no prejudice results by extending the pretrial deadlines, the issue of a continuance to cure any potential prejudice is moot.

Accordingly, the Parties jointly request that the Court grant their Joint Motion to Amend Scheduling Order and grant the extension of the deadlines and re-setting of the trial date.

**NEW DEADLINES PROPOSED BY THE PARTIES**

The Parties request the trial of this case be re-set to the trial docket beginning on or after October 9, 2017. The Parties request that the Pretrial Conference be re-set for October 5, 2017.

The Parties further request that additional deadlines be re-set as follows:

- Dispositive and Nondispositive Motions, Briefs, and Evidence deadline be June 29, 2017;
- Plaintiff's Designation of Experts deadline be March 13, 2017;
- Defendant's or Third Party's Designation of Experts deadline be April 13, 2017;
- Challenges to Experts deadline be June 29, 2017;
- Completion of Discovery deadline be June 15, 2017;
- Pretrial Disclosures and Pretrial Materials deadline be September 11, 2017;
- Objections to Pretrial Disclosures and Objections to Pretrial Material and Motions in Limine deadline be September 25, 2017; and
- Settlement Status Report deadline be September 11, 2017.

**CONCLUSION**

For the foregoing reasons, and in the interests of justice, the Parties respectfully request that the Court grant their Joint Motion to Amend Scheduling Order and grant the extension of the deadlines and re-setting of the trial date as requested above.

Dated: December 30, 2016

Respectfully submitted,

**GARDNER HAAS PLLC**

**MUNSCH HARDT KOPF & HARR, P.C.**

By: /s/ Jeremy D. Camp

Michael S. Gardner  
Texas State Bar No. 24002122  
mg@gardnerhaas.com  
Eric P. Haas  
Texas State Bar No. 24050704  
eh@gardnerhaas.com  
Jeremy D. Camp  
Texas State Bar No. 24069459  
jc@gardnerhaas.com

2828 Routh Street  
Suite 660  
Dallas, Texas 75201  
Tel.: (214) 415-3473

**ATTORNEYS FOR PLAINTIFFS  
HIGHPOINT RISK SERVICES LLC  
AND ASPEN ADMINISTRATORS, INC.**

**AND**

**THIRD-PARTY DEFENDANTS  
CHARLES DAVID WOOD, JR.,  
AMS STAFF LEASING, INC.,  
BRECKENRIDGE ENTERPRISES, INC.,  
AND AMS STAFF LEASING II, INC.**

By: /s/ Michael C. Lee

D. Ronald Reneker  
Texas Bar No. 16770000  
rreneker@munsch.com  
Michael C. Lee  
Texas Bar No. 24091735  
mlee@munsch.com

500 N. Akard Street, Suite 3800  
Dallas, Texas 75201  
Tel: (214) 855-7500  
Fax: (214) 855-7584

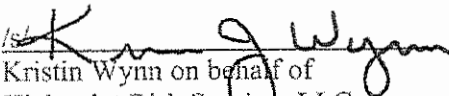
and

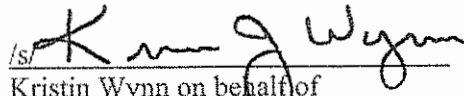
**STEPTOE & JOHNSON LLP**

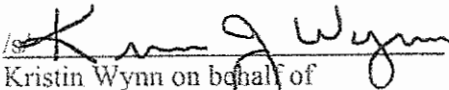
Harry Lee (*pro hac vice*)  
hlee@steptoe.com  
Conor P. Brady (*pro hac vice*)  
cbrady@steptoe.com

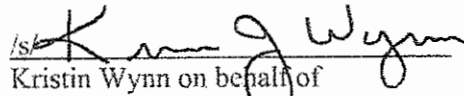
1330 Connecticut Avenue, NW  
Washington, D.C. 20036  
Tel: (202) 429-3000  
Fax: (202) 429-3902

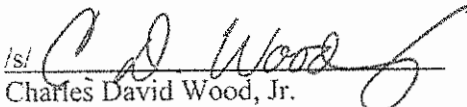
**ATTORNEYS FOR DEFENDANT  
COMPANION PROPERTY AND  
CASUALTY INSURANCE COMPANY**

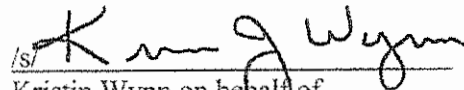
/s/   
Kristin Wynn on behalf of  
Highpoint Risk Services LLC


/s/   
Kristin Wynn on behalf of  
AMS Staff Leasing, Inc.

/s/   
Kristin Wynn on behalf of  
Aspen Administrators, Inc.

/s/   
Kristin Wynn on behalf of  
Breckenridge Enterprises, Inc.

/s/   
Charles David Wood, Jr.

/s/   
Kristin Wynn on behalf of  
AMS Staff Leasing II, Inc.

/s/   
Josh Shettle on behalf of  
Companion Property and Casualty Insurance  
Company

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on all counsel of record by means of CM/ECF E-SERVICE on December 30, 2016.

/s/ Jeremy D. Camp